

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA, : 09-CR-395(FB)
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6 : U.S. Courthouse
7 : Brooklyn, New York
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KIOND JONES and : October 8, 2010
ANTHONY PRADDY, : 10:00 a.m.
Defendants. :

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11 BEFORE:

12 HONORABLE FREDERIC BLOCK, U.S.D.J.,
13 and a Jury.

14 APPEARANCES:

15 For the Government: LORETTA E. LYNCH, ESQ.
16 United States Attorney
17 271 Cadman Plaza East
18 Brooklyn, New York 11201
19 BY: SETH D. DuCHARME, ESQ.
20 ANDREW E. GOLDSMITH, ESQ.
21 Assistant U.S. Attorneys

22 For the Defendant
23 Jones:

24 DAVID SMITH, ESQ.
25 RANDY ZELIN, ESQ.

26 Praddy:

27 MITCHELL DINNERSTEIN, ESQ.

28 Court Reporter: Holly Driscoll, CSR
29 Official Court Reporter
30 225 Cadman Plaza East
31 Brooklyn, New York 11201
32 (718) 613-2274

33 Proceedings recorded by mechanical stenography, transcript
34 produced by Computer-Assisted Transcript.

1 (The following takes place out of the presence of
2 the jury.)

3 (Time noted: 11:25 a.m.)

4 THE CLERK: Criminal cause on trial, United States
5 of America versus Jones and Praddy. All counsel and parties
6 are present and accounted for.

7 THE COURT: Good morning, everybody.

8 MR. DuCHARME: Good morning, Your Honor.

9 MR. SMITH: Good morning, Your Honor.

10 THE COURT: Let's process what we have here.

11 Court Exhibit 21, the request for the testimony of
12 Sergeant Scott Kinsky -- Mr. Innelli, stay by here.

13 THE CLERK: Sorry, I was going to get
14 Mr. Dinnerstein, he's not here.

15 THE COURT: Mr. Dinnerstein is not here.

16 THE CLERK: No, I just realized it, I was going to
17 go get him.

18 The agent is going to go get him.

19 MR. SMITH: Here he comes.

20 THE COURT: This is silly stuff, you know, I agree
21 that it's probably not relevant to the attempted murder but so
22 what.

23 Mr. Dinnerstein, good morning.

24 All right. So, we have Court Exhibit 21 requesting
25 the testimony of Sergeant Scott Kinsky as it relates to the

1 raid of K. Jones house in 2007.

2 Now, Mr. Innelli advised me by telephone this
3 morning that you folks agreed to where that testimony was
4 located and that the testimony was sent into the jurors I
5 guess about 10:00 or 10:15.

6 Identify for the record what was sent into the
7 jurors, Mr. Innelli, and what markings you placed on that
8 testimony.

9 THE CLERK: We marked the exhibit as 21-A and it's
10 James, voir dire by Mr. Dinnerstein, and it is pages 99 and
11 100. It's James, cross by Mr. Dinnerstein, 163 and 164. It's
12 Kienle's direct by Mr. Goldsmith, pages 1015 to 1041. It's
13 pages 359 to 364 but I'm not too sure what the testimony is.
14 And then we have James, cross by King and it's 152 -- I'm
15 sorry, that's page 148 to page 152. Dowdie's cross by Smith,
16 page 486 to 490.

17 THE COURT: Wait a second. This is the testimony of
18 Sergeant Scott Kinsky? I asked you first, Mr. Innelli, to
19 just tell us what you did in respect to the first request
20 regarding the testimony of Scott Kinsky, just that portion.

21 THE CLERK: I was given all the transcripts.

22 THE COURT: Listen to me carefully so we can make a
23 proper record, okay. Just tell us the pages that were sent
24 into the jurors and how you marked them, okay. Did you mark
25 all of these requests as 21-A or did you have a 21-A, B and C?

1 THE CLERK: All 21-A, Your Honor.

2 THE COURT: So, this is all of 21-A?

3 THE CLERK: Yes.

4 THE COURT: And what you were trying to tell me is
5 all the testimony you sent in this morning in respect to the
6 three questions and not just Scott Kinsky as I asked you?

7 THE CLERK: Yes.

8 THE COURT: Let's start again, just tell me the
9 pages so we can have a record of what pages counsel agreed and
10 what you sent into the jurors in respect to the requests for
11 the testimony of Scott Kinsky only, do that again.

12 THE CLERK: Counsel knows better than I do.

13 THE COURT: All right, so you're not prepared to do
14 that. Maybe we can just make a quick record please.

15 MR. SMITH: Your Honor, for --

16 THE COURT: Just the pages so we have a record.

17 MR. SMITH: Page 1015 through 1541. There were some
18 items redacted within that but that's the general scope.

19 THE COURT: Okay. You agreed to it. What else?

20 MR. SMITH: Yes.

21 THE COURT: Anything else?

22 MR. GOLDSMITH: Not on Kinsky.

23 THE COURT: Does that satisfy the Kinsky request?

24 MR. SMITH: Yes, Your Honor.

25 MR. GOLDSMITH: Yes.

1 THE COURT: Thank you very much. That's part of
2 21-A.

3 Now, the next part of 21-A apparently deals with the
4 testimony of Dowdie and James on direct and cross as it
5 relates to the kidnapping of Hecclewood. Just tell me the
6 pages that were sent into the jurors.

7 MR. SMITH: Your Honor, on Mr. Dowdie's direct --

8 THE COURT: No, just tell me the pages that were
9 sent into the jury.

10 MR. DINNERSTEIN: 359 through 364.

11 THE COURT: That's it?

12 MR. DINNERSTEIN: That's the direct. And the cross
13 was 486 through 490.

14 THE COURT: Anything else?

15 MR. DINNERSTEIN: Not for Mr. Dowdie, Your Honor.

16 THE COURT: Okay. That takes care of the second
17 request.

18 In the future when we get these types of things be
19 mindful I want to make a record so just write down the pages
20 and you agree to what goes into the jurors and then when we
21 come back you can just say that, okay.

22 Anything else?

23 MR. GOLDSMITH: Yes, Your Honor, on the second
24 request there was actually a second witness, Mr. James.

25 THE COURT: There was what?

1 MR. GOLDSMITH: There was a second witness included
2 in that second request, Mr. James.

3 THE COURT: I'm trying to make it simple. Was
4 anything else sent to the jurors in respect to the request
5 concerning Dowdie and James?

6 MR. SMITH: Yes, Your Honor.

7 THE COURT: Tell me what pages.

8 MR. SMITH: Mr. James, it was pages 99 and 100, 163
9 and 164 -- 148 through 152 and 163 and 164.

10 THE COURT: All right. We made a proper record. We
11 all agree. In the future do it in advance, all right. As you
12 probably realize as experienced attorneys, it is important to
13 have a clear record in case this matter goes to the circuit
14 court, it's part of our collective responsibilities to see
15 that that happens.

16 Now, the last thing that you have some issue about
17 is the testimony of Moses Osbourne regarding the attempted
18 murder and the defendants want to have included pages 550 to
19 552, line 5 and everybody has agreed that pages 532, line 25
20 to page 541, line 11 is going to go to the jurors as well as
21 545, line 17 to 549, line 8. Are we all in agreement about
22 that?

23 MR. SMITH: Yes, Your Honor.

24 MR. GOLDSMITH: Yes, Your Honor.

25 THE COURT: So, those pages will definitely be sent

1 in. Now, I looked at 550 to 552, line 5 and it doesn't
2 specifically say anything about the attempted murder but so
3 what.

4 MR. GOLDSMITH: Your Honor, that's all, just that it
5 didn't seem responsive.

6 THE COURT: I mean I agree with you, it probably
7 doesn't specifically address the attempted murder but the jury
8 wanted Osbourne's testimony and it's part of the total
9 picture. So, the government is probably right but why fuss
10 about it, it's Friday, maybe the jury will find this to be
11 helpful in terms of rendering a verdict before the long
12 weekend and sometimes we have to be practical about things,
13 right.

14 MR. GOLDSMITH: Thank you, Your Honor.

15 MR. SMITH: Thank you, Your Honor.

16 THE COURT: So, all of this will go in including 550
17 to 552, line 5.

18 Mr. Innelli, you'll send it in forthwith, okay.

19 THE CLERK: Yes.

20 THE COURT: All right. I'm thinking about not
21 having them come back on Monday if they do not reach a
22 verdict, it's the holiday, I'll have them come back on
23 Tuesday. Be mindful about that in terms of how you handle
24 these requests in a practical fashion.

25 I have another one now which you just marked Court

1 Exhibit 22 just rendered a few minutes ago. They requested an
2 escort break. So, we get these periodic requests. I assume
3 Mr. Innelli will take care of this in his usual inimicable
4 style.

5 THE CLERK: Yes, he's doing it, they're getting a
6 break as we speak.

7 THE COURT: Anything else we need to talk about?

8 Mr. Dinnerstein, your face seems a little bit more
9 turned down than usual. I look forward to seeing that smiley
10 face especially since it is getting close to Halloween.

11 All right. So, stay close.

12 (Time noted: 11:35 a.m.)

13 (Deliberations continue.)

14 (Continued on next page.)

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1 (The following takes place out of the presence of
2 the jury.)

3 (Time noted: 3:05 p.m.)

4 THE COURT: All right, everybody is here.

5 THE CLERK: Yes, Judge.

6 THE COURT: Let's try to turn this around quickly.

7 I marked as Number 23 this note that was rendered at
8 1:15: Request Exhibit 437.

9 Mr. Innelli, was that sent into the jurors?

10 THE CLERK: Yes, it was.

11 THE COURT: All right.

12 And then on the same note: Please let us know an
13 estimate when we can anticipate receipt of the direct of
14 S. James and cross of Osbourne.

15 And then at 2:45, it will be marked Court
16 Exhibit 249. The following note: We are at an impasse on a
17 count and request if there is any guidance we can have. Also,
18 we are continuing to await previously requested testimony and
19 cannot continue deliberations at this time (direct S. James
20 and cross of Osbourne.)

21 They said they cannot continue deliberations at this
22 time on anything.

23 And then: We are requesting an escorted break at
24 that time. So, they're on their break now or they're back in
25 the jury room?

1 THE CLERK: I think they're on their break.

2 THE COURT: So, now you can stay here, we may need
3 you here. Just stay calm. There's some confusion about the
4 James and Osbourne testimony that was sent into the jurors,
5 apparently the court reporter mislabeled the testimony.

6 MR. GOLDSMITH: That's right, Your Honor.

7 THE COURT: Tell me how, I don't have it in front of
8 me.

9 MR. SMITH: Your Honor, I have testimony written
10 down here. They can simply be told that the James-direct is
11 page 99 and 100 and 163 through 164. Those pages were
12 mislabeled in that --

13 THE COURT: Just one second. James-direct --

14 MR. SMITH: James-direct is 99 through 100.

15 THE COURT: Right.

16 MR. SMITH: And 163 through 164.

17 THE COURT: Okay.

18 MR. DINNERSTEIN: Isn't this redirect?

19 MR. SMITH: Right, redirect is 163 through 164.

20 THE COURT: The direct is 99 through 100 and
21 redirect is 163 to 164. And how was it mislabeled?

22 MR. SMITH: 99 through 100 is labeled James-voir
23 dire-Dinnerstein instead of James-direct-Goldsmith.

24 THE COURT: Okay. And the redirect, that was
25 mislabeled also?

1 MR. SMITH: Yes, that is a mislabeled
2 S. James-cross-Dinnerstein when it should be --

3 THE COURT: Okay, I'll just tell them that's the
4 direct, they were mislabeled by the court reporter
5 inadvertently.

6 What else?

7 MR. SMITH: Then Osbourne cross is 545 through 552.

8 THE COURT: Just one second. Was 5 what?

9 MR. SMITH: 545 through 552.

10 THE COURT: 552. And that was mislabeled how?

11 MR. SMITH: It says Osbourne-direct-Goldsmith when
12 it should be Osbourne-cross-Zelin.

13 THE COURT: Osbourne-cross-Zelin. All right. So,
14 we'll tell them that to clarify that. And now, in respect to
15 the other question, they're at an impasse on a count, not all
16 counts, and if there's any guidance.

17 First, the government wants to opine on this
18 subject?

19 MR. GOLDSMITH: Your Honor, I have an Allen charge
20 that was given in a previous case.

21 THE COURT: I don't think we have to give an Allen
22 charge now. It seems to be a little bit premature. I could
23 if you all want me to.

24 MR. GOLDSMITH: I'm not sure what other -- since
25 they didn't specify what count they are concerned about or

1 what their issue is.

2 THE COURT: I can also say they can render a verdict
3 on the other counts. A lot of times the jurors don't realize
4 they can do that.

5 MR. GOLDSMITH: They can do that.

6 THE COURT: I'm going to say that you're here for a
7 relatively short period of time considering the complexity of
8 the case, etc., etc., so the guidance I give you is to try to
9 reexamine, you know, the count as best as you can and also
10 that if you wish to render a partial verdict, that the law
11 allows that but I don't want you to do that unless you
12 absolutely feel you're at an impasse on that count or I can
13 give them the Allen charge in respect to that count.

14 What does the defense wish?

15 MR. DINNERSTEIN: My preference would be the first
16 part of that, that you tell them that they haven't been
17 deliberating that long but also the partial verdict is a
18 perfectly appropriate thing for them to do under these
19 circumstances.

20 THE COURT: No, I can do that but at the same time
21 they can deliberate on the other count. I don't have to tell
22 them that now. I'll say if they want to render a partial
23 verdict, it is Friday afternoon, they can do so and then we
24 can instruct them, based upon what that verdict is, whether
25 you folks wish or do not wish them to continue their

1 deliberations on that one count. That's a practical way of
2 dealing with it but I await your wise counsel.

3 MR. GOLDSMITH: Your Honor, I've never taken that
4 particular route.

5 THE COURT: Then again you've never tried a case
6 before Judge Block, right?

7 MR. GOLDSMITH: In fact I have, Your Honor.

8 THE COURT: I think you have. Which case was it?

9 THE CLERK: Mark Bolt.

10 MR. GOLDSMITH: The defendant was Mark Bolt. Thank
11 you, Mr. Innelli.

12 THE COURT: Mike has a better memory than I. The
13 question is not whether we've done it before, the question is
14 is it fair under the circumstances. It is Friday afternoon.
15 The question is whether you want to do it or not. I think it
16 is certainly not inappropriate from a legal standpoint.

17 MR. DuCHARME: Your Honor, I think our position
18 would be to encourage them to keep working at it, I mean it is
19 Friday afternoon, we don't want them to be overly tempted to
20 take an easy way out.

21 THE COURT: Do you think it is appropriate to give
22 the Allen charge now, so to speak?

23 MR. DuCHARME: It may well be.

24 MR. DINNERSTEIN: I'm opposed to it. I don't think
25 you should give an Allen charge at this point. I think you

1 should reach out for the partial verdict before giving an
2 Allen charge.

3 THE COURT: You know, it's ten after three, my sense
4 is that I'll try to give them a little bit of a pep talk
5 without necessarily giving them a sort of structured Allen
6 charge and see where they are at 4:30 and then maybe toward
7 the end of the day I might be inclined to take a partial
8 verdict. Does that sound like a fair route to travel down?

9 MR. SMITH: Yes, Your Honor.

10 THE COURT: Okay, so send the jurors in.

11 MR. GOLDSMITH: Thank you, Your Honor.

12 THE CLERK: I don't think they got their break now
13 because they're waiting for a court officer to come up.

14 THE COURT: I'm going to read a little bit to them
15 from what my Allen charge is. I won't tell them that, you
16 know, that part that we're going to have to retry the case
17 again, so to speak, but I'll tell them the rest of the charge.

18 (Time noted: 3:12 p.m.)

19 (Jury enters courtroom.)

20 THE COURT: Okay, folks, as soon as we went out for
21 lunch at 1:15 you came in for a request, sorry it took a
22 little time to turn it around, but you were given Exhibit 437,
23 so you have that, right, and then at 2:45 you wanted to take a
24 little break, which is fine, it's a beautiful day today. You
25 wanted to tell me both at 1:15 and at 2:45 that you were

1 concerned about whether you had all of the testimony of Jones
2 and Osbourne and you said you really couldn't continue with
3 your deliberations until you received it all.

4 You have it all, unfortunately the court reporter
5 inadvertently mislabeled things, okay, so this is what I want
6 you to know, the direct of James is page -- are pages 99 to
7 100, it is mislabeled and that may have caused you some
8 confusion. It shows that you're on the ball. The redirect of
9 James is on pages 163 and 164. You have that. I'm sure you
10 have those pages.

11 A JUROR: We'll try to write it down.

12 THE COURT: If you don't have those pages you should
13 have them so you let me know, those have been mislabeled
14 apparently. Then, in Osbourne, the cross of Osbourne is 545
15 to 552 by Mr. Zelin and you have that also but it's mislabeled
16 once again. So, you can double-check that and rest assured
17 that everything has been sent into you that you requested
18 except, unfortunately, the headings were just inadvertently
19 not put down correctly by our wonderful court reporters, okay.

20 Now, you asked me for any guidance as to the fact
21 that you're at an impasse on a count, I take a count to mean a
22 count, not all the counts, but a count, and as to whether
23 there's any guidance that we can have.

24 Well, initially I just want to let you know that
25 while you've been deliberating for I guess this is the end of

1 the second full day and you just had a snippet of the first
2 day, it's a long time but in the context of the case and the
3 complexity of it and the length of the charge and all the
4 questions you have to answer, it's not really that long a
5 period of time for deliberating jurors such as you folks to go
6 through all this material that you have diligently been
7 pursuing.

8 So, you know, let me just give you a little bit more
9 of a pep talk in respect to that one count and then you'll
10 continue your deliberations and see where you're at at the end
11 of the day. It's a quarter of three so you will undoubtedly
12 stay here a little longer to see whether you can come to a
13 resolution. Nobody is under any pressure. If you can't come
14 to a correct determination that complies with your
15 responsibilities, then you'll come back next week. I want you
16 to realize that that is something which I want you to consider
17 doing unless you are comfortable with coming to a decision
18 today, okay, so we are clear about that.

19 So, remember you have to decide the case based upon
20 the evidence that was introduced to you and consider what I
21 say and the evidence and all of the instructions that I
22 previously gave you and, you know, if you fail to agree on a
23 verdict in a particular matter, then the case or that issue is
24 still open and undecided but I want to remind you that the
25 task before you is one of conscientious decisions that you

1 have to make based upon the evidence and you must not
2 surrender your conscientious beliefs with respect to the
3 evidence, however -- some of this is repetitious but sometimes
4 repetition has its value.

5 It is your duty as jurors to consult with one
6 another and to deliberate with a view toward reaching an
7 agreement if you can do so without violence to your individual
8 judgments. I repeat these things to you. Now, each of you
9 must decide the case for yourselves but apart from the process
10 of individual decision is a consideration of all the evidence
11 and of the views of your fellow jurors and in the course of
12 your deliberations you should not hesitate to reexamine your
13 own views and change your opinions if you are convinced that
14 your opinion is erroneous. So, reexamination is the big word
15 and you may want to reflect upon whether or not it might be
16 appropriate for you to reexamine your views in the face of all
17 the evidence and what you folks are talking about with each
18 other.

19 But you must examine the questions submitted to you
20 with candor and frankness and with proper consideration for
21 one another's opinions. Listen carefully to each other's
22 opinions. Each of you should give attention to and respect
23 the views of the other, I assume that's what you're doing, you
24 seem to be working very hard and my suspicion is that you
25 folks are really trying to do that but reevaluate all that.

1 Listen to each other's arguments with a disposition
2 to keep your own views under continuing review. Thus, each
3 juror ought to consider whether his or her own appraisal of
4 the evidence is a correct one and should consider whether this
5 appraisal makes no effective impression upon one or another of
6 his or her fellow jurors who bear the same responsibility to
7 serve under the sanctions of the same oath which you've been
8 given and you know how important that is and have heard the
9 same evidence.

10 So, you know, you're going to appraise the evidence,
11 you're going to determine whether you believe it is a correct
12 one, certainly you're entitled to hold firm to that belief and
13 to consider whether your appraisal makes no effective
14 impression upon one or another of your fellow jurors. It
15 doesn't mean you have to give in but this is part of the
16 reexamining process which I want you to reflect upon.

17 Now, I cannot and I should not know the course of
18 your deliberations and what I'm saying may be ill suited to
19 deal with the differences that you have expressed in terms of
20 not being able to come to an agreement apparently on that one
21 charge, I don't know whether that's what you're hung up about
22 but from what you wrote to me I assume that that might be the
23 case. I ask, however, that you resume your deliberations and
24 remind you that no juror should yield a conscientious belief
25 that he or she may have as to the weight or the effect of the

1 evidence. I remind you you must decide the case based upon
2 the evidence and only the evidence.

3 So, I want you to be mindful of all of this. You
4 now know you have all of the testimony you requested. If you
5 have any further questions, let me know and continue with your
6 deliberations and see how it goes and you can stay as long as
7 you want, you don't have to go home at five, I mean it's all
8 up to you. We've had situations where jurors wanted to stay
9 late and we'll certainly accommodate that, including bringing
10 in dinner if that's what you want. Nobody is under any
11 pressure. The important thing is that whatever verdicts you
12 render will not be affected by the fact that we have a weekend
13 coming and Columbus Day. That's important. Continue your
14 good work and recommence your deliberations.

15 THE CLERK: All rise.

16 (Jury leaves courtroom.)

17 (Time noted: 3:20 p.m.)

18 (Jury leaves courtroom.)

19 THE COURT: All right. Stay close by. I have a
20 sense that things are happening and I think we spoon fed to
21 them appropriately where we're at in the course of their
22 deliberations. We'll see how it goes. But, you know, if in
23 fact they don't come to a verdict at the end of the day, they
24 still say they're at an impasse for one count, I may entertain
25 a partial verdict at that time so just be mindful of that.

1 MR. DINNERSTEIN: Your Honor, for the record, I
2 would have requested that you ask for a partial verdict at
3 this time.

4 THE COURT: Okay. You made the record. Okay.

5 (Deliberations continue.)

6 (Continued on next page.)

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1 (The following takes place out of the presence of
2 the jury.)

3 (Time noted: 4:35 p.m.)

4 THE COURT: All right. We have now a note which
5 I've marked Court Exhibit 25. The numbers are mounting. It
6 was rendered at 4:15. It says: Request testimony by Dowdie
7 that is related to the attempted murder of Osbourne and says
8 we are leaving at 4:45 p.m.

9 So, we have a very responsible jury, they're not
10 rushing to judgment and they're willing to come back on
11 Tuesday which is admirable and I think that's the best way of
12 handling this, all right.

13 So, let's bring them in now. It's going to take us
14 ten minutes to get copies of these documents.

15 Who is going to tell the jury which numbers they're
16 going to be getting? You have that, Mike, handy?

17 MR. DuCHARME: We've identified it, Your Honor.

18 THE COURT: Give it to me and I'll tell them. All
19 right. So, counsel has agreed that the following is going to
20 be sent in to the jurors, they'll have it first thing Tuesday
21 morning, you want to make copies; it is going to be page 364,
22 line 20 to 372, line 13, and then 495, line 1 to 499, line 14.
23 The first is the direct and the second part is the cross,
24 correct?

25 MR. DuCHARME: Yes, Your Honor.

1 THE COURT: So, bring the jurors in.

2 (Jury enters courtroom.)

3 THE COURT: All right, folks, I have your last note
4 that you rendered at 4:15. I've marked it Court Exhibit
5 Number 25. You requested the testimony of Dowdie that is
6 related to the attempted murder of Osbourne and you said you
7 want to leave at 4:45.

8 So, look, it is commendable, I mean obviously you
9 folks are taking your responsibilities most seriously which is
10 what you should do and you're willing to come back on Tuesday
11 and that's really commendable of all of you. I always worry
12 about, you know, Friday afternoon verdicts for fear of the
13 fact that maybe somebody, you know, even subconsciously may
14 have been mindful of the fact that the weekend is coming and
15 here we have Columbus Day, I'm not going to require you to
16 come on Monday, you'll come back Tuesday at 10:00. At that
17 time we'll have the testimony that you requested. It is going
18 to take us a few minutes to make copies of it now and you want
19 to leave in a few minutes anyway so I guess we'll just have it
20 for you when you get back at 10:00.

21 What you'll be getting is the direct of Dowdie which
22 would be page 364 starting at line 20 and ending at 372, line
23 13, I guess it includes line 13, and you'll get the cross
24 which will run from page 495, line 1 through 499, line 14.
25 You'll have them waiting for you at 10:00 when you return on

1 Tuesday.

2 Now, we have three days and certainly you can mull
3 about the case and think about it to yourselves, you may get
4 up in the middle of the night thinking about something, so be
5 it, or you may decide to wash it out of your mind and wait
6 till you get back on Tuesday and enjoy the three days. So,
7 you know, it depends on how the good Lord made you whether you
8 think about it or whether you don't think about it but the
9 important thing is don't talk to anybody else about it.

10 Now, that's going to be tough for you to do because
11 you've been really talking about a lot of things obviously and
12 you may really want to -- not be able to resist the temptation
13 of passing it by someone what do you think about this or think
14 about that. You've got to try not to do it. Nobody is going
15 to be there to monitor you so if you do it, you'd get away
16 with it. Don't do it. It is best that we keep the process
17 pure the way it's supposed to be.

18 Rest up a little bit. You obviously have been
19 working very hard, I can tell by looking at your faces that
20 you haven't been pulling jokes there. So, we'll see you at
21 10:00. I'm proud of all of you. Have a good three days off.
22 You deserve it.

23 THE CLERK: All rise.

24 (Jury leaves courtroom.)

25 THE COURT: Okay. We have another matter.

1 THE CLERK: Yes, we have the sentencing.

2 THE COURT: Let's call it.

3 MR. SMITH: Have a nice weekend, Your Honor.

4 THE COURT: Have a nice weekend.

5 (Time noted: 4:40 p.m.)

6 (Proceedings adjourned as above set forth.)

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